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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,570	09/26/2003	Yoshihiro Ohshima	117348	2333
25944	7590	11/27/2007		
OLIFF & BERRIDGE, PLC			EXAMINER	
P.O. BOX 320850			DHINGRA, PAWANDEEP	
ALEXANDRIA, VA 22320-4850				
			ART UNIT	PAPER NUMBER
			2625	
			MAIL DATE	DELIVERY MODE
			11/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/670,570

**Applicant(s)**

OHSHIMA ET AL.

**Examiner**

Pawandeep S. Dhingra

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 9/5/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-13, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) 1-8, 14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-13, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/26/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

- This action is responsive to the following communication: a Response to Election/Restriction Requirement filed on 09/05/2007.
- Claims 9-13, and 16-17 are elected by the applicant with traverse.
- Claims 9-13, and 16-17 are now pending in the present application.

### ***Response to Arguments***

Applicant's arguments on page 1, filed 09/05/2007, with respect to the election of restriction requirement have been fully considered but they are not persuasive. Upon further consideration, the examiner still recognizes the present inventions as independent or distinct for the reasons given in the Requirement for Restriction/Election mailed 07/05/2007. The restriction for examination purposes as indicated in earlier correspondence is proper since the inventions both require searches in multiple subclasses, and have acquired a separate status in the art due to their recognized divergent subject matter, and therefore would put serious burden on the examiner if restriction is not made.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12, recite the limitations "...the first accounting amount calculation unit decreases the first accounting amount for the second requester apparatus when the second requester apparatus executes the image processing requested by the first requester apparatus and then the image processing requested by the second requester apparatus is executed". There is insufficient antecedent basis for these limitations in the specification. These limitations are not defined in the specification. Hence, one of ordinary skill in the art would not be reasonably apprised of the scope of the invention; therefore, further clarification to this matter is requested from the applicant.

#### ***Examiner Notes***

Examiner cites particular paragraphs, columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Ikegami Munemitsu, JP 11-154068.

Re claim 9, Ikegami Munemitsu discloses an accounting apparatus (see abstract) for charging for a process for image data (see abstract), executed in response to a request from a requester (see abstract and paragraphs 15-24), wherein the process for the image data includes at least a predetermined image processing for the image data and an image formation processing of the image data subjected to the image processing (see abstract and paragraphs 7-26), the accounting apparatus comprising: a first accounting amount calculation unit (see drawing 1) for calculating a first accounting amount for the executed image processing (see abstract, and paragraphs 7-38); and an accounting unit (see drawing 1) for executing an accounting processing of charging the requester, which has made the request for the image processing and the image formation processing, for the calculated first accounting amount (see abstract, and paragraphs 7-38).

**Claim Rejections - 35 USC § 102**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 9-11, 13, and 16-17 are rejected under 35 U.S.C. 102(a) or (e) as being anticipated by Komiya, US 2002/0196452.

Re claim 9, Komiya discloses an accounting apparatus (see abstract; figures 1, 3, 7, 12-13) for charging for a process for image data, executed in response to a request from a requester (see figures 12-13; paragraphs 56-81, 85-107), wherein the process for the image data includes at least a predetermined image processing for the image data and an image formation processing of the image data subjected to the image processing (see figures 7-8, 10-13; paragraphs 37-48, 54, 56-81, 85-107), the accounting apparatus comprising: a first accounting amount calculation unit (see figures 1-3) for calculating a first accounting amount for the executed image processing (see figures 8, 10-13; paragraphs 37-48, 56-81, 85-107); and an accounting unit (see figures 1-3) for executing an accounting processing of charging the requester, which has made the request for the image processing and the image formation processing, for the

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calculated first accounting amount (see figures 8, 10-13; paragraphs 37-48, 56-81, 85-107).

Re claim 10, Komiya further discloses a second accounting amount calculation unit (see figures 1-3) for calculating a second accounting amount for the executed image formation processing (see figures 8, 10-13; paragraphs 56-81, 85-107), wherein: the accounting unit executes the accounting processing of charging the requester, which has made the request for the image processing and the image formation processing, for the calculated first accounting amount and the calculated second accounting amount (see figures 8, 10-13; paragraphs 56-81, 85-107).

Re claim 11, Komiya further discloses the requester includes a first requester apparatus and a second requester apparatus (see figures 1, 3, 8, 10-13); and the first accounting amount calculation unit increases the first accounting amount for the first requester apparatus when the second requester apparatus executes the image processing requested by the first requester apparatus (see figures 8, 10-13; paragraphs 15-16, 56-81, 85-107, note that the accounting amount for the first requester apparatus will increase when executed by the second requester apparatus if test printing is also desired by the first requestor apparatus in addition to the actual printing).

Re claim 13, Komiya further discloses the request for the image processing designates details of the image processing (see figures 8, 10-13); and the first accounting amount calculation unit calculates the first accounting amount on the basis



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of the designated details of the image processing (see figures 8, 10-13; paragraphs 56-81, 85-107).

Re claim 16, claim 16 recites identical features, as claim 9, except claim 16 is a method claim. Thus, arguments made for claim 9 are applicable for claim 16.

Re claim 17, claim 17 recites identical features, as claim 11, except claim 17 is a method claim. Thus, arguments made for claim 11 are applicable for claim 17.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pawandeep S. Dhingra whose telephone number is 571-270-1231. The examiner can normally be reached on M-F, 9:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a



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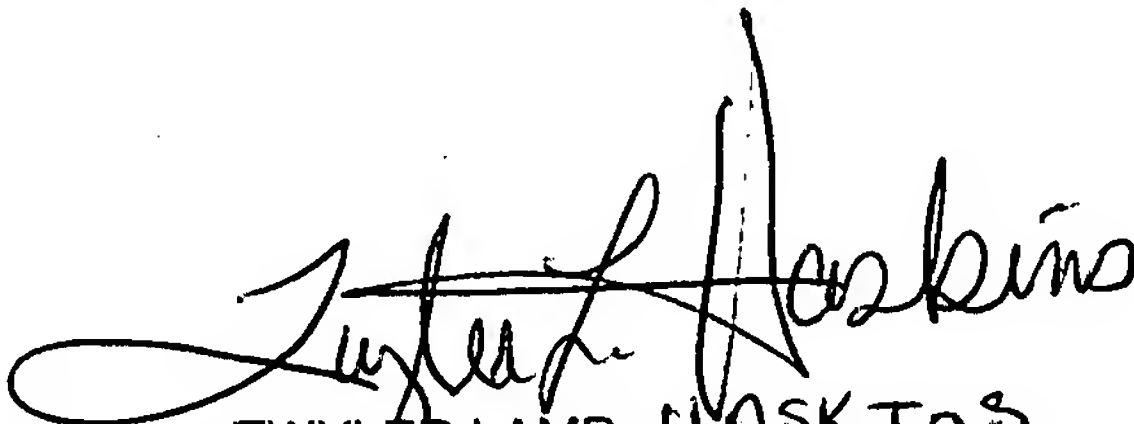
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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Pd*

Pd  
November 20, 2007

  
TWYLER LAMB HASKINS  
SUPERVISORY PATENT EXAMINER